

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION

FOR THE

VITREOUS ENAMELED WARE MANUFACTURING INDUSTRY

**(A Division of the Fabricated Metal Products
Manufacturing and Metal Finishing
and Metal Coating Industry)**

AS APPROVED ON MARCH 30, 1935



UNITED STATES
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Approved Code No. 84Q1—Amendment No. 1

**AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION**

FOR THE

**VITREOUS ENAMELED WARE MANUFACTURING
INDUSTRY**

As Approved on March 30, 1935

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE VITREOUS ENAMELED WARE MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Supplementary Code of Fair Competition for the Vitreous Enameled Ware Manufacturing Industry, and an Opportunity to be Heard having been duly afforded all interested parties and the annexed report on said amendment containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference, said annexed report and does find that said amendment and the Supplementary Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplementary Code is hereby modified to include an approval of said Supplementary Code in its entirety as amended.

**NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.***

Approval recommended:

**JOHN W. UPP,
Acting Division Administrator.**

WASHINGTON, D. C.

March 30, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on an amendment of Article V of the Supplementary Code of Fair Competition for the Vitreous Enameled Ware Manufacturing Industry. The amendment is designed to eliminate Rule A of Article V pertaining to the pricing provisions.

A Notice of Opportunity to be Heard, dated March 6, 1935, has been duly afforded to all interested parties.

The Supplementary Code Authority for the Vitreous Enameled Ware Manufacturing Industry has proposed the present amendment for the reason that the members of the Industry have found that the provisions of Rule A of Article V are impractical in operation in the Vitreous Enameled Ware Manufacturing Industry.

FINDINGS

The Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Supplementary Code, having found as herein set forth and on the basis of all proceedings in this matter.

“It has been found that:

“(a) The amendment to said Supplementary Code, and the Supplementary Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of Industry for the purposes of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of Industry, and by avoiding undue restriction of products (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor and by otherwise rehabilitating Industry.

“(b) The Supplementary Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including, without limitation, Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

“(c) The Supplementary Code empowers the Supplementary Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

“(d) The amendment, and the Supplementary Code as amended, are not designed to and will not permit monopolies or monopolistic practices.

"(e) The amendment, and the Supplementary Code as amended, are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

"(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of said amendment."

For these reasons, therefore, the Board has approved this amendment.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

MARCH 30, 1935.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE VITREOUS ENAMELED WARE MANUFACTURING INDUSTRY

A DIVISION OF THE FABRICATED METAL PRODUCTS MANUFACTURING AND METAL FINISHING AND METAL COATING INDUSTRY

Delete Rule A of Article V, which reads as follows:

“**RULE A.** No products of the Industry, in whole or in part, shall be sold or exchanged or offered for sale or exchange at prices less than the seller's cost of such products; such cost to be based on a formula which shall be at least as detailed and complete as the formula to be prepared by the Supplementary Code Authority and approved by the Administrator. Provided, however, that if any member of the Industry desires to sell below his cost in order to meet competitive prices on articles of similar style, grade and/or specification filed in accordance with the provisions of this Section, he shall first report to the agent of the Supplementary Code Authority and in such report cite the competition that would cause him to take such action. This revised price and/or condition of sale shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof said agent shall, by telegraph or by some other equally prompt means, notify said member of the time of such receipt.

“When the Supplementary Code Authority determines that an emergency exists in this Industry and that the cause thereof is destructive price-cutting such as to render ineffective or seriously endanger the maintenance of the provisions of this Supplementary Code, The Supplementary Code Authority may cause to be determined the lowest reasonable cost of the products of this Industry, such determination to be subject to such notice and hearing as the Administrator may require. The Administrator may approve, disapprove, or modify the determination. Thereafter, during the period of emergency, it shall be an unfair trade practice for any member of the Industry to sell or offer to sell any products of the Industry for which the lowest reasonable cost has been determined at such prices or upon such terms and conditions of sale that the buyer will pay less therefor than the lowest reasonable cost of such products.

“When it appears that conditions have changed, the Supplementary Code Authority, upon its own initiative or upon the request of any interested party, shall cause the determination to be reviewed.

“All members of the Industry shall, within ten (10) days after the effective date of this Supplementary Code publish for the benefit of all wholesalers and manufacturers of enameled ware and file with the Agent of the Supplementary Code Authority, net price lists

and/or price lists and discount sheets, including terms, and other conditions at which they will sell the products of the Industry to the recognized wholesale distributors.

"Revised price lists and/or discount sheets and/or all other conditions of sale may be filed from time to time thereafter with the Agent of the Supplementary Code Authority by any member of the Industry, to become effective ten (10) days after actual receipt by the Agent of the Supplementary Code Authority. Copies of such original price lists and revised lists and/or discount sheets and/or all other conditions of sale, with notice of the effective date thereof, shall be immediately sent to all members of the Industry, and shall be available to all interested parties; and any member of the Industry may file, if he so desires, revisions of his price list and/or discount sheets and/or conditions of sale, which shall become effective at the date when the revised list first filed becomes effective.

"In the event that the Supplementary Code Authority shall find that competitive conditions in the sale of the products of the Industry to any one or more of the various classes of trade, have resulted in improper price cutting or other unfair competitive practices, it may, with the approval of the Administrator, require the filing of net price lists and/or discount sheets by all members of the Industry, setting forth the prices, terms, bases of delivery and other conditions at which they will sell the products of the Industry to such other class or classes of trade. The manner and effect of such filing shall be the same in all respects as set forth in the two (2) preceding paragraphs.

"When filing net price lists and/or price lists and discount sheets, as set forth in this Rule A, each member of the Industry shall file with the Agent of the Supplementary Code Authority the number of such price lists and/or price lists and discount sheets required by him for the purpose set forth in this Rule.

"The sale of dropped lines, or inventories which must be converted into cash to meet emergency needs may be made by any member of the Industry upon two weeks' notice of intention to do so, in writing, to the Supplementary Code Authority setting forth the facts and the reasons for such proposed disposal. If any member of the Industry shall, within six months after any such disposal, manufacture any product which he has classified as a dropped line, the emergency sale of such product below cost shall be deemed *prima facie* to have been in violation of this Supplementary Code.

"No member of the Industry shall sell or offer to sell directly by any means whatsoever, any products of the Industry, covered by provisions of this Article V, at a price or at discounts or on other conditions of sale more favorable than those provided in his own current net price lists or price lists and discount sheets".

- Reletter Rule B as Rule A.
- Reletter Rule C as Rule B.
- Reletter Rule D as Rule C.
- Reletter Rule E as Rule D.
- Reletter Rule F as Rule E.
- Reletter Rule G as Rule F.
- Reletter Rule H as Rule G.
- Reletter Rule I as Rule H.

Reletter Rule J as Rule I.
Reletter Rule K as Rule J.
Reletter Rule L as Rule K.
Reletter Rule M as Rule L.
Reletter Rule N as Rule M.

Approved Code No. 84Q1—Amendment No. 1.
Registry No. 1018-1-01.



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